



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM JUNE 2019 COMMITTEE OF BAR EXAMINERS ITEM O-400**

**DATE:** June 11, 2019

**TO:** Members, Committee of Bar Examiners

**FROM:** Natalie Leonard, Principal Program Analyst, Office of Admissions

**SUBJECT:** Report on Lincoln Law School of San Jose Periodic Inspection

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### **EXECUTIVE SUMMARY**

Lincoln Law School of San Jose underwent its five-year periodic inspection on October 8-11, 2018. It is recommended that the Committee of Bar Examiners receive and accept the Periodic Inspection Report (Attachment A), adopt the mandatory and suggested actions noted therein, and direct the schools to provide an update as to their progress against these recommendations in their 2019 Annual Compliance Report. It is also recommended that the school's accreditation be continued and the next periodic inspection be scheduled in the fall of 2023 or sooner if the Committee should so recommend.

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### **BACKGROUND**

Lincoln Law School of San Jose (LLSSJ) had its five-year periodic inspection on October 8-11, 2018, conducted by an Inspection Team (Team) comprised of Esther Lin, Member of the Committee of Bar Examiners, Justin Atkinson, Academic Dean of San Joaquin College of Law, and Heather Georgakis, Educational Standards Consultant for The State Bar of California.

The Inspection Team recommends the following mandatory actions listed below, that the accreditation of LLSSJ be continued; and that its next periodic inspection be scheduled for Fall 2023, unless an earlier visitation is deemed necessary by the Committee.

### **RECOMMENDED, MANDATORY ACTIONS**

Based on its inspection, the Team found LLSSJ to be in substantial compliance with all Committee Rules and Guidelines. The Team did, however, identify several issues relating to the

law school's current degree of substantial compliance that must be addressed. The Team recommends that the Committee adopt each mandatory action noted below and require the law school to report all actions taken to address these issues in its 2019 Annual Compliance Report.

1. Guidelines 1.6 and 2.3(D)(3): It is recommended that the law school revise its website to include a direct link from the Admissions drop-down menu on the homepage to the Business and Professions Code section 6061.7 Information Report, as required by the statute, and that the Report be published on the website's Accreditation page, as required by Guideline 2.3(D)(3).
2. Guideline 2.5: It is recommended that the law school cease the practice of basing faculty compensation for its self-paced one-credit intellectual property course on the number of students completing the class.
3. Guideline 2.6(B): It is recommended that the law school amend its Non-Academic Discipline Policy to provide all mandated protections.
4. Guideline 2.7(A)(3): It is recommended that LLSSJ amend the course repetition policy to clarify the circumstances in which a student will be required to repeat a course, and those in which a student will be required to repeat the entire year.
5. Guideline 2.7(C): It is recommended that the law school develop, publish, and implement a policy to authenticate the identity of each student submitting work and to ensure that the work, whether created inside or outside the classroom, is the student's own through, for example, the use of commonly-available software for detection of plagiarism.
6. Guideline 2.7(D): It is recommended that the law school make prompt return of grades a priority and that the Dean consider adherence to the grade return policy as a factor in faculty rehiring decisions.
7. Guideline 2.7(E): It is recommended that LLSSJ revise its policy to permit students to compare their answer sheets to the answer key for any multiple-choice, true/false, or similar examination without the need to obtain faculty approval, and to provide that, as to any examination in another format, a student may request a copy of both the examination and the student's own answer.
8. Guideline 2.7(G): It is recommended that LLSSJ revise its policy to permit petitions as to grades for examinations as well as courses and to eliminate restriction on the number of grades for which review may be sought.
9. Guidelines 4.6, 6.1 and 6.2(B) and (D): It is recommended that the law school adopt and implement an ongoing faculty development program and that the program be regularly addressed in the Guideline 6.1 plan of the Annual Compliance Report.

10. Guidelines 4.7 and 4.8: It is recommended that the law school adopt and fully implement a written policy that evaluates faculty members based upon the specific factors listed in Guideline 4.7(A), fulfills the time and record-keeping requirements of Guideline 4.7(C), and considers the range of performance indicators listed in Guideline 4.8.
11. Guidelines 6.1 and 6.13: It is recommended that the law school evaluate its examination questions for the past three years to determine their effectiveness and material compliance with the Guidelines, and that the law school amend its procedures for preparation and oversight of questions to improve future examinations. The law school should address this evaluation and amendment process as part of the examination evaluation required to be filed annually under Guidelines 6.1 and 6.13.
12. Guidelines 6.1, 6.11, and 6.13: It is recommended that the law school take steps to improve the amount and quality of examination feedback to students. The law school should address both aspects of feedback as part of its Guideline 6.1 and 6.13 examination evaluation process and its faculty evaluation process.
13. Guideline 6.2(I) and Guideline 6.14: It is recommended that the law school establish policies to ensure that grading is conducted consistently and accurately reflects student progress, as well as procedures to ensure that faculty understand and adhere to these policies.
14. Guideline 5.4: It is recommended that the law school revise its application to ask whether an applicant previously attended any law school.

## **RECOMMENDED, SUGGESTED ACTIONS**

The following suggested actions are recommended to further enhance the school's compliance:

1. The Team suggests that the law school explain or remove the references to "letter grade" in the Catalog and Handbook.
2. The Team suggests that the law school amend the Handbook section entitled "Good Standing" to state the 2.0 GPA standard for academic good standing.
3. The Team suggests that the law school continue efforts to verify that instructors are fulfilling their duty to hold class for the entire class session, including any make-up class session, and that attendance by students is regular and punctual.
4. The Team suggests that the law school carefully monitor the effectiveness of team-taught courses in terms of best practices for law teaching, and student achievement and engagement.
5. The Team suggests that the law school continue in its efforts to recruit and retain a diverse faculty.

## **DISCUSSION**

In a letter dated May 21 (Attachment B), LLSSJ Dean Laura Palazzolo accepted the report and confirmed that the law school has already implemented some changes, and will implement the others. The letter indicates that the school has already updated its website, retired the 1-unit course noted above, and proposed responsive revisions to the Catalog and Handbook. The Dean also requested clarifications to the titles and responsibilities of several staff members and those were implemented in the attached final version of the inspection report.

## **RECOMMENDATION**

It is recommended that the Periodic Inspection Report be received and filed; that the mandatory and suggested compliance recommendations discussed in the Report be adopted; that the law school be required to report to the Committee as part of the school's Annual Compliance Report all efforts to address each such recommendation; that accreditation of LLSSJ be continued; and that the law school's next periodic inspection be scheduled for the Fall of 2023 unless an earlier visit is found to be needed by the Committee.

## **MOTION**

Should the Committee agree with the staff recommendation, the following motion is recommended:

Move that the Periodic Inspection Report of Lincoln Law School of San Jose prepared following the inspection conducted October 8-11, 2018 by Esther Lin, Member of the Committee of Bar Examiners, Justin Atkinson, Academic Dean of San Joaquin College of Law, and Heather Georgakis, Educational Standards Consultant for The State Bar of California, be received and filed; that the response submitted by Laura Palazzolo, Dean of Lincoln Law School of San Jose, dated May 21, 2019 and submitted on behalf of the law school be received and filed; that the mandatory compliance recommendations made in the Report be adopted; that the law school be required to report to the Committee in its next Annual Compliance Report all efforts to address each such recommendation; that the accreditation of Lincoln Law School of San Jose be continued; and that its next periodic inspection be scheduled for the Fall of 2023, unless an earlier visitation is deemed necessary by the Committee.

## **ATTACHMENTS**

- A. Lincoln Law School of San Jose Periodic Inspection Report
- B. Letter from Dean Palazzolo Accepting the Inspection Report



# The State Bar of California

## Lincoln Law School of San Jose

### Periodic Inspection Report

Inspection conducted  
Pursuant to Rule 4.162 of the  
Accredited Law School Rules on:

**October 8-11, 2018**

***Visitation Team:***

Esther Lin, Member  
Committee of Bar Examiners

Justin Atkinson, Academic Dean  
San Joaquin College of Law

Heather Georgakis,  
Educational Standards Consultant

# **REPORT ON THE PERIODIC INSPECTION OF LINCOLN LAW SCHOOL OF SAN JOSE**

## **384 S. 2<sup>nd</sup> STREET, SAN JOSE, CA 95113**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

A periodic inspection of the Lincoln Law School of San Jose (LLSSJ) was conducted on October 8-11, 2018. The inspection team (Team) included Esther Lin, a member of the Committee of Bar Examiners (Committee), Justin Atkinson, Academic Dean of San Joaquin College of Law, and Heather Georgakis, Educational Standards Consultant to the Committee.

LLSSJ is a non-profit public benefit corporation headquartered in San Jose, California. Founded in 1919 as part of Lincoln University in San Francisco, the law school opened a San Jose campus in 1961. In 1993, the law school became an independent non-profit corporation, adopted its current name, and earned California accreditation by the Committee. In July 2018, the Committee granted its acquiescence to allow LLSSJ to offer two Masters degrees in law. LLSSJ was last inspected by the Committee of Bar Examiners in March of 2013 and was found to be compliant with the Committee's Rules and Guidelines for Accredited Law Schools.

LLSSJ is also in the process of seeking regional accreditation by the Western Association of Schools and Colleges (WASC) Senior College and University Commission; WASC will conduct an initial site visit in October 2019.

LLSSJ offers four programs of study: a four-year, 84-unit Juris Doctor (J.D.) program; a two-year, 42-unit Master of Legal Studies (M.L.S.) program, a one-year, 24-unit Master of Laws (L.L.M.) program; and a one-year, eight-unit Intellectual Property Studies (IP) program. At the time of inspection, LLSSJ had sixty-four J.D. students, including several pursuing a joint J.D./M.L.S. degree. In addition, three auditors and three visiting students were participating in the IP program.

LLSSJ's Dean, Laura Palazzolo, is an LLSSJ graduate who also teaches at the school. The faculty is part-time; all are graduates of ABA- or California-accredited law schools and all but two are licensed to practice law. Based on current tuition (\$856/unit), total J.D. tuition charges are \$71,904, with fees of approximately \$4,000 over four years. LLSSJ reported a cumulative MPR five-year bar examination pass rate of 56.1% for the most recent reporting period in July 2018, as calculated using the formula required by Guideline 12.1, which is above the 40% minimum that all accredited schools must maintain.

### **Recommended Action by the Committee**

The Team found LLSSJ to be in substantial compliance with all relevant accreditation standards of the Accredited Law School Rules (Rules) and all relevant Guidelines for Accredited Law School Rules (Guidelines). Overall, LLSSJ's curriculum, admissions, scholastic standards, faculty, library, facilities, Dean and administrators combine to offer a compliant program of legal education.

The Team recommends that the Committee adopt each of the mandatory and suggested actions listed below, continue the accreditation of LLSSJ, and schedule the next periodic inspection for the fall of 2023, unless it deems earlier visitation necessary.

### **Recommended, Mandatory Actions**

Based on its inspection, the Team found LLSSJ to be in substantial compliance with all Committee Rules and Guidelines. The Team did, however, identify several issues relating to the law school's current degree of substantial compliance that must be addressed. The Team recommends that the Committee adopt each mandatory action noted below and require the law school to report all actions taken to address these issues in its 2019 Annual Compliance Report:

1. Guidelines 1.6 and 2.3(D)(3): It is recommended that the law school revise its website to include a direct link from the Admissions drop-down menu on the homepage to the Business and Professions Code section 6061.7 Information Report, as required by the statute, and that the Report be published on the website's Accreditation page, as required by Guideline 2.3(D)(3).
2. Guideline 2.5: It is recommended that the law school cease the practice of basing faculty compensation for its self-paced one-credit intellectual property course on the number of students completing the class.
3. Guideline 2.6(B): It is recommended that the law school amend its Non-Academic Discipline Policy to provide all mandated protections.
4. Guideline 2.7(A)(3): It is recommended that LLSSJ amend the course repetition policy to clarify the circumstances in which a student will be required to repeat a course, and those in which a student will be required to repeat the entire year.
5. Guideline 2.7(C): It is recommended that the law school develop, publish, and implement a policy to authenticate the identity of each student submitting work and to ensure that the work, whether created inside or outside the classroom, is the student's own through, for example, the use of commonly-available software for detection of plagiarism.
6. Guideline 2.7(D): It is recommended that the law school make prompt return of grades a priority and that the Dean consider adherence to the grade return policy as a factor in faculty rehiring decisions.
7. Guideline 2.7(E): It is recommended that LLSSJ revise its policy to permit students to compare their answer sheets to the answer key for any multiple-choice, true/false, or similar examination without the need to obtain faculty approval, and to provide that, as to any examination in another format, a student may request a copy of both the examination and the student's own answer.

8. Guideline 2.7(G): It is recommended that LLSSJ revise its policy to permit petitions as to grades for examinations as well as courses and to eliminate restriction on the number of grades for which review may be sought.
9. Guidelines 4.6, 6.1 and 6.2(B) and (D): It is recommended that the law school adopt and implement an ongoing faculty development program and that the program be regularly addressed in the Guideline 6.1 plan of the Annual Compliance Report.
10. Guidelines 4.7 and 4.8: It is recommended that the law school adopt and fully implement a written policy that evaluates faculty members based upon the specific factors listed in Guideline 4.7(A), fulfills the time and record-keeping requirements of Guideline 4.7(C), and considers the range of performance indicators listed in Guideline 4.8.
11. Guidelines 6.1 and 6.13: It is recommended that the law school evaluate its examination questions for the past three years to determine their effectiveness and material compliance with the Guidelines, and that the law school amend its procedures for preparation and oversight of questions to improve future examinations. The law school should address this evaluation and amendment process as part of the examination evaluation required to be filed annually under Guidelines 6.1 and 6.13.
12. Guidelines 6.1, 6.11, and 6.13: It is recommended that the law school take steps to improve the amount and quality of examination feedback to students. The law school should address both aspects of feedback as part of its Guideline 6.1 and 6.13 examination evaluation process and its faculty evaluation process.
13. Guideline 6.2(I) and Guideline 6.14: It is recommended that the law school establish policies to ensure that grading is conducted consistently and accurately reflects student progress, as well as procedures to ensure that faculty understand and adhere to these policies.
14. Guideline 5.4: It is recommended that the law school revise its application to ask whether an applicant previously attended any law school.

### **Recommended, Suggested Actions**

1. The Team suggests that the law school explain or remove the references to “letter grade” in the Catalog and Handbook.
2. The Team suggests that the law school amend the Handbook section entitled “Good Standing” to state the 2.0 GPA standard for academic good standing.
3. The Team suggests that the law school continue efforts to verify that instructors are fulfilling their duty to hold class for the entire class session, including any make-up class session, and that attendance by students is regular and punctual.



4. The Team suggests that the law school carefully monitor the effectiveness of team-taught courses in terms of best practices for law teaching, and student achievement and engagement.
5. The Team suggests that the law school continue in its efforts to recruit and retain a diverse faculty.

### **Report of Self-Study**

LLSJ submitted a self-study to assist the Team in its assessment of the law school's compliance with the Rules and Guidelines. Dean Palazzolo and her staff also responded to requests for follow up information, and that information was considered when drafting this report.

### **Report of Inspection**

During the Inspection from October 8-11, 2018, conferences were held with administrators, including Dean Laura Palazzolo; Associate Dean of Academics and Faculty Affairs Stephanie Ferrill; Associate Dean of Academic Counseling Farzin "Nick" Farooghi; Associate Dean and Director of Intellectual Property Programs Britten Sessions; Registrar Kim Zea, Director of Admissions and Student Services Laurie Holm; and Front Desk staff Karina Garcia and Tara Abtahi.

The Team met individually with Board of Trustees' Chair Dave Cortese and Treasurer Delana Romero, and with other trustees during a dinner meeting. Meetings were held with Faculty Chair Jeff Kroeber and members of the Academic Standards and Writing Curriculum committees; a general meeting was held with other faculty members. The team spoke confidentially with students representing all class levels at a dinner meeting.

After touring the facility and reviewing the library collection with Dean Palazzolo, the Team attended presentations on the Intellectual Property Clinic and online class technologies. Over the four nights of the inspection, Team members observed all scheduled class sessions. The visit concluded with a comprehensive exit interview with Dean Palazzolo and other staff members to discuss the Team members' impressions, preliminary findings, and anticipated recommendations.

## **SPECIFIC FINDINGS AS TO COMMITTEE ACCREDITATION STANDARDS**

Below are the Team's findings, conclusions, and recommendations as to the law school's compliance with the Rules and Guidelines.

### **Rule 4.160(A): Lawful Operation. The law school must operate in compliance with all applicable federal, state and local laws and regulations. Guideline 1.6**

LLSSJ is a California non-profit public benefit corporation that appears to operate in compliance with applicable federal, state, and local laws. The law school is recognized as a tax-exempt entity under Internal Revenue Code section 501(c)(3); it operates in good standing with the Secretary of State and in compliance with City of San Jose licensing regulations. As appropriate, LLSSJ publishes policies addressing the law school's legal duties in the Catalog, Student Handbook (Handbook), and Faculty Handbook.

LLSSJ's facility is housed in a single-story building and requests for testing accommodations are handled pursuant to clearly stated policies. According to the self-study, LLSSJ uses the State Bar's testing accommodation forms and aims to mirror State Bar procedures so the student "has the opportunity to perform under the same or similar conditions as may be provided. . . with respect to the Professional Responsibility and Bar examinations." Registrar Zea reviews each accommodation request for completeness and compliance with State Bar requirements then Dean Palazzolo interviews the student and grants appropriate accommodations.

To limit unnecessary disclosure, health records submitted with accommodation requests are held in a locked cabinet, consistent with the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). As required by FERPA, LLSSJ policies generally protect student information against disclosure without consent, unless that disclosure is required by law or emergency circumstances.

In compliance with laws promoting drug-free work and school environments, the law school's Drug and Alcohol Abuse Policy reflects a commitment to the maintenance of a campus "free from illegal use, possession, or distribution of illicit drugs and alcohol." Policies on non-discrimination, sexual assault, and sexual harassment are also found in the Handbook.

LLSSJ is required to post general statistics about the school each January pursuant to California Business and Professions Code section 6061.7, and it did so, but the school should revise the location of the posting to the location required by the statute. The statute requires that such schools publicly disclose a specific list of statistics about their programs in an Information Report (Report) from "a link from the [law school's] Internet home page under 'Admissions'." Under Guideline 2.3(D)(3), the law school also must publish the Report "on its Accreditation webpage." Instead, near the time of the inspection, the Report appeared two levels below the home page in a spot that would be difficult to locate. It is recommended that the law school revise its website

to include a direct link from the Admissions drop-down menu on the home page to the Business and Professions Code section 6061.7 Information Report, as required by the statute, and publish the Report on the website's Accreditation page, as required by Guideline 2.3(D)(3).

Except as noted above, LLSSJ appears to have met its legal obligations and to have adequately informed students about their rights and duties under applicable laws.

**Rule 4.160(B): Honesty and Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. Guidelines 2.1 – 2.10; Bus. & Prof. Code sec. 6061.7(a) and sec. 6061.7(c)**

The law school appears to conduct its financial affairs with integrity pursuant to Guidelines 2.2(A) – 2.2(C). LLSSJ has adopted an Accounting Policies Manual and other financial protocols. Financial statements are prepared by an outside firm, reviewed regularly by the Treasurer of the Board, and audited annually by a certified public accounting firm. Recently, the law school worked with a financial advisor to design new reports to provide even greater insight about the law school's financial position.

The Catalog and website accurately state current tuition, fees, financial aid availability, and refund policies; the new website is noteworthy for a clear description of tuition and loan repayment options. LLSSJ's refund policy is compliant and refunds are made within 30 days.

In its publications and website, LLSSJ communicates in an "honest and forthright manner" as required by Guideline 2.3. Provisions are clear and consistent across the Catalog, Handbook, and website. The law school accurately states that it is accredited by the Committee and makes disclosures required by Guideline 2.3(D) except, as noted above, as to Business and Professions Code section 6061.7 and Guideline 2.3(D)(C)(3).

As a nonprofit entity organized under the laws of California with tax-exempt status under the Internal Revenue Code, LLSSJ complies with Guideline 2.4.

Under Guideline 2.5, a law school may not base compensation to any individual upon the number of persons applying for admission, registering to enroll, or "enrolled or in any class." Generally, LLSSJ is compliant, except in the teaching of a single, one-credit, self-paced asynchronous distance learning course. LLSSJ pays the instructor of the Intellectual Property Clinic a set amount as each enrolled student completes the self-paced online course after the instructor grades the student's assignments. The school is asked to choose an alternate compensation method that complies with Guideline 2.5.

A Non-Academic Discipline Policy, found in the Handbook, authorizes discipline for behaviors such as dishonesty, property damage or theft, and unauthorized disclosure of confidential information. Sanctions range in severity from exclusion from class to dismissal, but include all sanctions required by Guideline 2.6(A). The Team recommends that the policy be amended to provide all specific protections mandated by Guideline 2.6(B), including written notice of the specific charge

or charges, an opportunity for hearing before an impartial panel, and a written final determination that includes facts, conclusions, and if any, sanctions.

In compliance with Guideline 2.7(A), students are informed of the law school's academic standards, including the grading system, in the Handbook and Catalog; paper copies of these documents are distributed to students annually.

The law school requires written examinations, including a midterm and final, in bar-tested subjects but not in other courses requiring substantial oral or written work. "Graduate quality" papers may be assigned in electives. Points for class preparation and participation are discouraged and may not exceed 5% of the course grade; grades may be reduced by 5% for inadequate preparation or participation. Numerical grades are awarded in most required courses, including all bar-tested courses; Pass/Fail grades are awarded in a few skills courses and most electives.

To assign numerical grades, LLSSJ uses a unique two-part scale. On examinations and papers, professors assign initial scores between 100 and 55; these scores correlate to grade points ranging from 4.00 to 0.00 on a scale with twelve positions. The law school has identified five of the twelve positions by the performance markers required by Guideline 2.7(A)(1), including "excellent" (4.0 grade points, scores of 94-100), "good" (3.0, 84-86), "satisfactory" (2.0, 74-76), "unsatisfactory" (1.0, 64-66), and "failing" (0 grade points, 55-59). Because letter grades appear to have no application to the grading system, the Team suggests the law school explain or remove the references to "letter grade" from both the Catalog and Handbook.

Course repetition policies require clarification. The Handbook provides that a student with a grade of "63 or lower" in a required course "may" be required to repeat the course or the entire year curriculum. Later, the Handbook states that a student "must" repeat the entire year if the student receives a grade of "59 or lower or 'No Pass'" in any required course, unless determined otherwise. In both cases, the decision as what must be repeated rests with the Academic Standards Committee (ASC) and Dean. To fully comply with Guideline 2.7(3), it is recommended that LLSSJ amend the course repetition policy to clarify the circumstances in which a student will be required to repeat a course, and those in which a student will be required to repeat the entire year.

Voluntary course repetition is not allowed, except that the ASC may permit repetition of an elective in which the student earned a grade of 66 or "No Pass." Duplicate credit is not awarded for repetition of the same or substantially the same course. The subsequent grade received in a repeated course is used to calculate a student's grade point average (GPA), but the transcript may reflect both grades.

The Handbook explains requirements for retention, good standing, advancement, and graduation. A minimum 2.0 cumulative GPA is required to advance to the next year except that, after the first year, students with a lower GPA may be permitted to advance on probation upon successful petition to the ASC. It is suggested that the Handbook section entitled "Good Standing" be

amended to state the 2.0 GPA standard for academic good standing, to inform students as to the GPA necessary to “successfully complete” an academic year without being “disqualified or on probation.” Students who are subject to exclusion or who have been disqualified may petition the ASC to be allowed to continue, or re-enroll, under conditions that comply with the Committee’s expectations. In courses on subjects tested on the bar examination, grading is conducted anonymously to protect against bias; each semester, students are assigned identification numbers for this purpose. (Guideline 2.7(A)(4)-(7))

Students may petition the ASC for review of final course grades based upon mistake or unfairness, as set forth in the Handbook. (Guidelines 2.7(A)(8) and (F).) As recommended below, the grade review policy should be revised in a number of ways enumerated below in order to achieve full compliance.

LLSSJ requires instructors to include certain “essential elements” in all course syllabi, including the factors upon which course grades are based; typical factors include examinations, assignments, and class participation. The Team confirmed that grades are calculated based upon the factors announced in course syllabi.

The Student Code of Honor & Conduct addresses dishonesty. LLSSJ uses traditional means to prevent cheating during examinations, such as the monitoring of rooms by roving proctors and prohibitions against the use of devices. To bring itself into compliance with Guideline 2.7(C), because the school frequently substitutes research papers for examinations, it is recommended that the law school develop, publish, and implement a policy to authenticate the identity of each student submitting work and to ensure that the work, whether created inside or outside the classroom, is the student’s own through, for example, the use of commonly-available software for detection of plagiarism.

Guideline 2.7(D) requires that students be advised of their grades within a reasonable time. Grades are posted for each cohort only when all grades for that cohort are ready for posting. The Faculty Handbook requires faculty to return their grades “2 weeks after the examinations are first available for grading”; it emphasizes that “[d]elay is unacceptable.” Nonetheless, the Student Handbook warns that the “normal” four-week time for grade processing may be delayed by instructors’ late submissions. Students expressed concern about delays in receiving their grades and LLSSJ administrators noted that some instructors are habitually late in returning their grades. To bring itself into full compliance with Guideline 2.7(D), the Team recommends that the law school make prompt return of grades a priority and that the Dean consider adherence to the grade return policy in making faculty rehiring decisions.

With minor exception, the policy allowing to students to copy and inspect examination questions and their own answers is compliant. Guideline 2.79(E) requires, with respect to multiple-choice, true-false, and similar tests, that “a law school must allow students to compare their answer sheets to the answer key.” LLSSJ’s policy on midterm examinations does not inform students of that right, stating only that such tests are not returned to students. The policy as to final

examinations permits inspection of multiple-choice and similar tests only “with permission from the Professor,” a condition inconsistent with the guideline.

To bring itself into full compliance with Guideline 2.7(E), it is recommended that LLSSJ revise its policy to permit students to compare their answer sheets to the answer key for any multiple-choice, true/false, or similar examination without the need to obtain faculty approval, and to provide that, as to any examination in another format, a student may request a copy of both the examination and the student’s own answer.

LLSSJ allows students to petition the ASC for review of a “final grade” up to twice per academic year. At least three members of the ASC must review the petition and the committee’s decision is not appealable. Guideline 2.7(G) requires, without limitation, the opportunity for committee review of an “examination or course grade.” To be fully compliant with Guideline 2.7(G), it is recommended that LLSSJ revise its policy to permit petitions as to grades for examinations as well as courses and to eliminate restriction on the number of grades for which review may be sought.

The law school maintains student privacy as required by Guideline 2.8. The Handbook includes provisions for obtaining consent before information is released and states appropriate exceptions to confidentiality limits.

LLSSJ has improved security and backup procedures and now provides reasonable protections for computer systems, communications systems, and records. (Guideline 2.9) Data back-up is regularly scheduled at several levels. A single sign-on protocol allows identification of persons who enter law school computer systems and access to software is appropriately controlled. As required, the law school stores current hard-copy records in fireproof cabinets and provides reasonable levels of physical security by limiting building access and providing remotely-monitored cameras on entrances and exits.

Services, experiences, and activities available to LLSSJ students appear to be adequately resourced, particularly with the recent addition of personnel to assist with student mentoring, tutoring, and experiential learning. These opportunities are described in the Handbook and Catalog and on the law school’s new website.

LLSSJ provides adequate academic support services and experiential learning opportunities. (Guideline 2.10 (B)). Professors are expected to be available to counsel and meet with students by appointment at mutually agreeable times, and students expressed satisfaction with faculty accessibility. Tutoring is also available on an as-requested basis through the Associate Dean of Academic Counseling. The academic support program does not include regularly-scheduled workshops or exam-taking practice; however, the Dean indicated that the need for additional academic support activities and staffing were being evaluated. Students in good standing may participate in the Lincoln Law Review and in the clinical courses described below.

The law school has initiated other efforts to promote student success. As stated in the Faculty Handbook, LLSSJ attributes many academic problems to the “absence of good writing skills” and

thus requires completion of at least four writing courses, including Moot Court. During law school, LLSSJ students have access to BarBri study materials; these materials are also used in a required, non-tuition bar review course offered during the fourth year. According to the self-study, last year LLSSJ extended this course from one semester to two; in response to student requests, the course will be taught entirely online during 2018-2019.

**Rule 4.160 (C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. Guidelines 3.1-3.3; 4.1-4.2**

As a non-profit corporation, LLSSJ is governed by a 16-member Board of Trustees which meets monthly to set policy and engage in strategic planning. The trustees are distinguished leaders in business, education, law, and the media, and include a founding director of LLSSJ and a retired judge. The Board Chair is David Cortese, J.D., currently also President of the Santa Clara County Board of Supervisors. Much of the Board's work is done in five regular committees (Finance, Audit, Scholarship, Academic Affairs, and Development); recently, a special Pathway to Law Committee was created to promote the law school's relationship with local community college grant programs.

Dean Laura Palazzolo and Director of Admissions and Student Services Laurie Holm work full-time and Registrar Kim Zea works four days per week.

Three additional part-time Associate Deans were appointed shortly before the inspection visit. All are licensed attorneys. Stephanie Kain Ferrill (Academics and Faculty Affairs) handles special projects, prepares the calendar, oversees examinations, and serves as faculty liaison. Farzin Forooghi (Academic Counseling) counsels students, serves as non-voting secretary for the Academic Standards Committee, and oversees Independent Study and Internship activities. Britten Sessions (Intellectual Property (IP) Programs), the founding Director of the IP Clinic, manages IP-related programs. Some of these responsibilities may have been distributed to directors hired since the inspection visit.

LLSSJ's faculty members teach part-time. As stated in the Faculty Handbook, the faculty participates in institutional governance and "has primary responsibility for establishing and implementing" educational policies.

The Team found LLSSJ's administrators to be competent and dedicated and the law school to be in compliance with Guidelines 3.1-3.3 and 4.1-4.2.

**Rule 4.160(D): Dean and Faculty. The law school must have a competent dean and a competent faculty that devotes adequate time to administration, instruction, and student counseling.**

**Guidelines 4.1 – 4.9**

Dean Palazzolo is well-qualified for her position. She graduated from LLSSJ as class valedictorian in 2000 and became licensed by the State Bar of California during that same year. While practicing law, she handled bankruptcy, employment, and banking matters and served as Assistant City Attorney for the City of Gilroy. Previously, while still in private practice, she taught Real Property and Civil Procedure at the school. Before becoming Dean in 2016, she served the law school part-time as Academic Associate Dean for four years and as Interim Dean for one year. Dean Palazzolo currently teaches Torts. The law school's trustees, staff, faculty, and students all had positive comments about working with her. Registrar duties are handled by Kim Zea. (Guideline 4.1)

As stated in the Annual Report, LLSSJ has 46 adjunct faculty. Faculty participate actively in governance, as contemplated by Guideline 4.2. The faculty convenes at least once each year to discuss development and implementation of academic programs. Professors who teach students in each student cohort meet yearly to discuss grading practices and grade correlation; more experienced professors gather for "Senior Faculty Advisory Meetings." Recent faculty activities include the creation of Student Learning Objectives (SLOs) and evaluation of curriculum standards.

Faculty are elected by their peers to serve on several bodies. The Faculty Committee, an executive body, addresses curriculum and faculty development. The Academic Standards Committee (ASC) primarily decides student petitions, the Honor Code Committee advises the Dean on disciplinary matters, and the Writing Curriculum Committee recommends curriculum changes. A senior faculty member also advises the Trustees' Academic Affairs Committee.

Teaching loads and class sizes are such that faculty have enough time for class preparation, teaching, and counseling. (Guidelines 4.3 and 4.4) As reported in the self-study, the ratio of students to professors is below 20:1 and class enrollment ranges from fifteen to nineteen. To allow professors "more flexibility in individual schedules" and to take advantage of "differing knowledge bases and skills sets," professors have been choosing to team-teach more frequently, as discussed below.

As noted above, professors are available to counsel students. LLSSJ does not require faculty to provide contact information in their syllabi but most do so. (Guideline 4.4)

Faculty credentials are appropriate under Guideline 4.5. All faculty members hold law degrees. Two are current or retired judges and all but two have been licensed to practice law. Generally, instructors teach in their areas of law practice. Nearly one quarter are LLSSJ graduates, while the vast majority graduated from a wide range of ABA-approved institutions.

Faculty members have a continuing obligation to improve their teaching skills and substantive expertise under Guideline 4.6. The Faculty Handbook states the expectation that each instructor



will “keep abreast of his or her academic discipline” and “strive to improve the effectiveness of his or her teaching.” LLSSJ’s faculty development focuses mainly on grading practices; most core faculty, for example, have attended bar examination calibration sessions and the Dean meets with these instructors annually to discuss grading. The self-study notes the faculty’s historical tendency to be “overly generous” in grading and states that the problem has been addressed by new policies. As discussed below, the Team identified a need for improvement of teaching skills beyond grading expertise.

As recognized in Guidelines 6.1 and 6.2(B) and (D), a sound academic program requires effective instruction. To bring itself into full compliance with those guidelines and Guideline 4.5, it is recommended that the law school adopt and implement an ongoing faculty development program focused on teaching skills and that the program be regularly addressed in the Guideline 6.1 plan of the Annual Compliance Report. Development activities should be documented in faculty meeting minutes.

Faculty evaluation procedures are not fully compliant with Guideline 4.7(C). Evaluations have not been conducted within required time frames and written evaluations have not been prepared, as noted in the self-study. According to the Faculty Handbook, instructors are to be evaluated by the Dean, students, and a peer reviewer; for the latter, a recommended form is available, Guidelines for Faculty Peer Evaluation. The self-study states that the Dean regularly observes class sessions and discusses first- and second-year courses with selected students. Student Evaluation questionnaires are administered near the end of each course, or the end of each semester for year-long courses.

LLSSJ has contracted with a non-legal educator to provide faculty evaluation services. The Team recognizes the potential value of such a consultant’s review but suggests that law faculty should also be assessed by law-trained observers who understand the dynamics of law classrooms and the best practices for teaching statutory and case analysis. . To achieve full compliance, it is recommended that that LSSJ adopt and fully implement a written policy that evaluates faculty members based upon the specific factors listed in Guideline 4.7(A), fulfills the time and record-keeping requirements of Guideline 4.7(C), and considers the range of performance indicators listed in Guideline 4.8.

An academic freedom policy protects faculty. (Guideline 4.9) The law school appears to have provided students with timely notice of changes, pursuant to Guideline 4.10.

**Rule 4.160(E): Educational Program. The law school must maintain a sound program of legal education. Guidelines 1.8, 6.1 – 6.14**

LLSSJ offers the J.D. degree through an eighty-four-semester unit program designed to prepare graduates to practice law in California. Students are admitted in January, May, and August. Students who begin in August complete the program in four years while the others do so in four and one-half years. The calendar includes two eighteen-week semesters, Fall and Spring, including

examination periods, and one eight-week Summer session. Classes are held mainly in the evening, Monday through Thursday, between 6:40 pm and 9:30 pm.

The law school also offers a two-year, forty-two-unit Master of Legal Studies (M.L.S.) program; a one-year, twenty-four-unit Master of Laws (L.L.M.) program; and a one-year, eight-unit Intellectual Property Studies program.

The part-time J.D. curriculum meets the quantitative requirements of Guideline 6.5 requiring students to complete at least 1200 hours and 80 units over not less than 120 weeks if attending part-time. The law school requires students to complete the J.D. in the required sequence and no later than eighty-four months after beginning study. The Handbook informs students of the Committee's residence requirements.

Attendance policies satisfy Guideline 6.5(B). Generally, regular and punctual attendance is required and enforced. Students are warned in the Handbook that a student absent from more than 20% of course meetings in a term will be administratively withdrawn.

LLSSJ's typical course loads comply with Guideline 6.5(H); part-time students attend class eight to ten hours each week during the academic year.

Instructional approaches at LLSSJ are compliant. Course syllabi reflect that instructors assign current, recognized law school texts and students are adequately informed as to course organization, readings, grade calculation, and expected student learning outcomes. Instructors use appropriate instructional formats, including lecture and modified Socratic dialogue; learning technology is used by some instructors. Class sizes are reasonable. (Guidelines 2.7(C); Guideline 6.5 (J)-(K).)

Over four evenings, Team members observed all scheduled classes. Some faculty members used compelling teaching strategies to engage students, distinguishing themselves by using dynamic visual presentations, well-planned hypothetical questions, effective questioning techniques, and varied teaching modes. Other faculty members appeared to be prepared for class and familiar with their subject matter but made limited efforts to engage students in discussion. In some classrooms, students were permitted to "pass" when called upon or to present unfocused briefs. As recommended above, the law school should adopt, implement, and report on an ongoing faculty development program focused on teaching skills.

The use of team teaching has increased, as noted in the self-study, because it provides professors "more flexibility in individual schedules" and students the advantage of "differing knowledge bases and skills sets." According to the Dean, team teaching instructors typically attend most class sessions together, minimizing the possibility that students will perceive differences in their perspectives and expectations. The Team's limited observations raised concerns that students, particularly in the first two years, may tend to become confused when two professors explain legal concepts together. It is suggested that the law school carefully monitor the effectiveness of

team-taught courses in terms of best practices for law teaching, and student achievement and engagement.

Clinical and internship opportunities at LLSSJ fulfill Guideline 6.6. The law school operates the Intellectual Property Clinic (IP Clinic), the only non-ABA clinic approved by U.S. Patent and Trademark Office (USPTO) and one of only a few such clinics in the country, according to the clinic's website. Upper level students may earn two units of elective credit in each of two IP Clinic courses, Trademark and Patent, for 80 hours of work; enrollment in the Patent Clinic requires a technical degree. Under the direction of a supervising attorney, students work with clients and interact directly with the USPTO on patent and trademark applications. The clinic is supervised by the Director of the Intellectual Property Clinic.

Other experiential programs include Directed Research, Internship, Peer Court, and Law Review, all administered by the Independent Studies (IS) Director. Students may earn up to two units per semester and six IS units in total; each unit demands 60 hours of acceptable work.

The J.D. curriculum fulfills Guidelines 6.7-6.9, including requirements to provide practical skills training as discussed below. Students take seventy-seven units of required courses, including sixty-three units covering all subjects tested on the bar examination and Multi-State Professional Responsibility Examination, and seven elective units. Recent elective offerings include Immigration Law, Intellectual Property, and Landlord Tenant Law. All required courses are given annually, while electives are offered during Spring and Summer terms based on student interest.

Courses are appropriately sequenced. The first year includes both traditional subjects (Contracts, Torts, and Criminal Law) and skills topics (Introduction to Law, Legal Research & Writing.) Second-year courses are Business Organizations, Real Property, Civil Procedure, Professional Responsibility, Personal Property, and Moot Court. In the third year, topics are Evidence, Constitutional Law, Community Property, and Negotiation & Mediation. Fourth-year students take Wills & Trusts, Remedies, Criminal Procedure, Trial Practice, Advanced Legal Writing, and a zero-credit Bar Review course.

As addressed above, opportunities for student interaction with faculty and each other are available. (Guideline 6.10)

Examination and grading policies, as published in the Student and Faculty Handbooks, comply with Guidelines 6.11-6.14. These topics have been discussed at faculty meetings and during meetings between the Dean and individual instructors. The law school's Annual Compliance Plan addresses examination evaluation briefly.

The law school requires instructors to give midterm and final examinations in courses that cover topics that may appear on the bar examination. In other courses, faculty may evaluate students based on assignments, oral presentations, and graduate-level papers rather than examinations. Finals are proctored and administered over a two- or three-week period, generally in three-hour sessions during regular class hours. A typical examination includes essay questions and, in some

cases, short-answer questions; faculty members are encouraged to give multiple-choice/Multi-State Bar Examination (MBE)-style questions and required to do so for all topics tested on the MBE portion of the bar examination.

Instructors draft examination questions in their own courses and submit them for review by the Dean for effectiveness and compliance with the Guidelines. Faculty should be encouraged to submit model answers or outlines along with the questions on all occasions; currently, they do so about half of the time. Nevertheless, the Team found that many examination questions appeared to be sufficiently rigorous and properly drafted, though some included very long fact patterns, unnecessary distractors, or vague essay questions. Many student answers received few or no written comments from professors and, for most examinations, issue outlines, model answers, or grading rubrics were not available to provide guidance to students.

To bring itself more fully into compliance with Guidelines 6 and 6.13, it is recommended that the law school evaluate its examination questions for the past three years to determine their effectiveness and material compliance with the guidelines, and that the law school amend its procedures for preparation and oversight of questions as necessary to improve future examinations. The law school should address this evaluation and amendment process as part of the examination evaluation required to be filed annually under Guidelines 6.1 and 6.13.

Further, it is recommended that the law school take steps to improve the amount and quality of examination feedback to students. LLSSJ should address both aspects of feedback as part of its Guideline 6.1 and 6.13 examination evaluation process and its faculty evaluation process. The law school may wish to consider requiring faculty to submit issue outlines, model answers, or grading rubrics along with the examination questions to assist both the reviewing Dean and LLSSJ students.

Guideline 6.14 requires written grading standards that ensure “accuracy, validity, reliability, and consistency.” The Faculty Handbook describes the level of performance signified by a score of 74 (“Satisfactory”) and above, and includes a chart defining specific characteristics of essay examinations by grade point increments. The law school might consider providing this chart, or a similar rubric, to students.

During the three academic years covered in its Annual Report, LLSSJ dismissed about two students per year; with a single exception, dismissals occurred during or immediately after the first year.

LLSSJ does not require its faculty to use a mandatory grading curve, nor does it provide written guidance as to appropriate grade distribution. An academic dean correlates grades after final posting of grades. As confirmed by data in the self-study and Annual Report, LLSSJ grades show inconsistency and grade inflation.

The problem of standards being applied inconsistently is of special concern for students in their first year of study, where grades should serve the important “gatekeeping” function to promptly identify students who lack the ability for law study. Over a recent five-year period, for example,

widely disparate grades were awarded in first-year bar-tested subjects (Torts, Contracts, Criminal Law), as shown by a comparison of grades other than “Satisfactory.” In two of the three courses, instructors changed frequently.

	<b>High (84+)</b>	<b>Low (73-)</b>	<b>Instructors over five years</b>
Course 1	44% (41/93)	8.6% (8/93)	3
Course 2	18.5% (17/92)	31.5% (29/92)	1 pair, all years
Course 3	31.5% (29/92)	5.4% (5/92)	3 pair, 2 individuals, 8 in total

Weighted averages were 31.5% for high grades and 15.2% for low grades.

A similar comparison of fourth-year grades in bar-tested subjects reflects disparity and potential inflation. The school should take steps to advise students realistically and accurately of their progress and prospects of passing the bar examination.

	<b>High (84+)</b>	<b>Low (73-)</b>	<b>Instructors over five years</b>
Course 1	30.9% (22/71)	28% (20/71)	1
Course 2	83% (59/71)	0% (0/71)	2 (one year as pair)
Course 3	81% (57/70)	0% (20/70)	1

Weighted averages were 65% for high grades and 9.4% for low grades.

Similar inconsistencies and inflation were found in comparing grade distribution charts for single years, across all four class cohorts.

To improve compliance with Guidelines 6.2(l) and 6.14, it is recommended that the law school evaluate its examination questions for the past three years to determine their effectiveness and material compliance with the Guidelines, and that the law school amend its procedures for preparation and oversight of questions to improve future examinations. The law school should address this evaluation and amendment process as part of the examination evaluation required to be filed annually under Guidelines 6.1 and 6.13.

Except as noted, the Team found LLSSJ’s program of legal education to be sound and compliant with Accredited Law School Rule 4.160(E) and Guidelines 6.1-6.14.

**Rule 4.160(F): Competency Training. The law school must require that each student enrolled in its Juris Doctor Degree program satisfactorily complete a minimum of six semester units designed to teach practice-based skills and competency training. Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent manner. Guideline 6.9**

The Rules and Guidelines require students to take fifteen units of courses that clearly qualify as practice-based skills and competency training under Guideline 6.9. The law school is compliant with both the minimum six-unit requirement of Rule 4.160(F) and the minimum fifteen-unit requirement of Guideline 6.9 for practice-based skills and competency training. Required courses include Legal Research & Writing (3 units), Moot Court (2 units), Professional Responsibility (4 units), Negotiation & Mediation (2 units), Trial Practice (2 units), and Advanced Legal Writing (2 units). In addition, portions of some doctrinal, bar-tested courses may also qualify as training under Guideline 6.9.

LLSJ also requires students to take seven elective units. Some, although not all, of the law school's elective courses qualify as practice-based skills and competency training. Examples include the Intellectual Property Clinic and Internship.

**Rule 4.160(G): Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and disqualify those students who lack the capability to satisfactorily complete the law school's J.D. degree program. Guidelines 7.1 – 7.11**

Generally, the law school's written scholastic standards are designed to identify and disqualify students who lack the ability to satisfactorily complete its J.D. program. Academic exclusion, although limited, typically occurs in the first year. Based on data in the 2017 Annual Report, over the prior two academic years about 11-16% of each first-year class was disqualified; the law school's academic standards may also account for some voluntary withdrawals. It is unclear, however, whether LLSJ properly identifies students as to their requisite ability, as required by Guideline 7.1, due to the inconsistency in grading practices identified above.

The Handbook defines requirements for academic standing, academic disqualification, advancement in good standing and on probation, and retention and graduation.

Students are evaluated for advancement and retention at the end of each academic year, as required by Guidelines 7.3 and 7.4. To remain in good standing and earn the J.D. degree, students must maintain a minimum 2.0 GPA and successfully complete all required courses. Those who fall below 2.0 are subject to academic disqualification, except that first-year students may be permitted to advance on probation upon successful petition to the ASC. Other students may petition for readmission after disqualification. In 2017-2018, 15% of enrolled students were on probation.

LLSJ's policy is compliant with respect to the First-Year Law Students' Examination. (Guidelines 7.5 and 7.6.)

The written course repetition policy, detailed in connection with Rule 4.160(B), does not allow duplicate credit for repeated courses and is compliant with Guidelines 7.7 and 7.8.

Examinations and grading practices are compliant with Guideline 7.9 except as noted.

Auditors and visiting students are admitted on occasion, pursuant to a written policy that meets the requirements of Guideline 7.12.

The law school's academic standards appear to be compliant with Guidelines 7.1 – 7.12, except as noted.

**Rule 4.160(H): Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program. Guidelines 5.1-5.9**

Admissions requirements are detailed in the Catalog. Applicants must submit an online application form; fee; official transcripts “from all undergraduate and graduate schools” or Credential Assembly Service report with transcripts of “all colleges attended”; signed Statement of Intention, an LSAT score, resume or curriculum vitae, and two letters or recommendation. “Special students” must supply additional information.

LLSSJ evaluates the pre-legal education of its applicants properly to ensure compliance with Business and Professions Code section 6060(c), as required by Guideline 5.2, and also complies with Guideline 5.3 requiring students to provide transcripts within 45 days after the start of a term if they wish to continue their study.

It is recommended that LLSSJ revise its application to ask directly, as required by Guideline 5.4, whether an applicant previously attended any law school; the application now asks whether an applicant ever “applied to” a law school.

LLSSJ's policies as to admission of special students comply with Guideline 5.5.

The Dean makes admissions decisions following an interview with each applicant who has a complete, or nearly complete, file. The law school occasionally admits applicants conditionally, pending receipt of necessary documents.

Guideline 5.6 allows admission of students previously disqualified from any law school, but provides that a decision to admit “must rest with a committee established by the school and not with a single individual.” LLSSJ's written policy allows the ASC to decide whether a student is eligible to be readmitted and the Dean to decide whether an eligible student should be readmitted.

In each of the three years covered in the 2017 Annual Report, the law school enrolled two or three applicants with prior law study as first-year students under the Committee's “Start Over” policy. Two of these students had been disqualified from their prior law school and both remain

enrolled. LLSSJ admits few transfer students; such students must successfully complete a minimum of fifty-six units at LLSSJ.

The law school admits some students with modest academic profiles. For those admitted in 2017 with a bachelor's degree, the average undergraduate GPA was 2.92 and the lowest was 2.25; for those without a bachelor's degree, the average GPA was 2.57 and the lowest was 1.772. Pre-legal GPA's have remained consistent over recent admission cycles for students with a bachelor's degree but have dropped somewhat for students without the degree. Of students admitted in the last three years, 91.5% held a degree, 8.5% held no degree, and 0% were special students. Some 8.5% had prior law study.

California accredited law schools need not require the LSAT as part of the admissions process. LLSSJ does weigh LSAT scores in the admissions process, though no minimum score is required. The law school has recently undertaken a study to determine the relationship between the characteristics and academic qualifications of enrolled students, including their LSAT scores and percentiles, and their eventual success in graduating, passing the bar examination, and gaining employment.

Though the law school has experienced some enrollment volatility in recent years, enrollment is strengthening. As discussed below, LLSSJ presently appears to have adequate resources to manage recent enrollment challenges, particularly in view of new marketing efforts, positive enrollment signals, and student support initiatives that may increase retention.

**Rule 4.160(I): Multiple locations. Accreditation is granted to a law school as an institution. If a law school conducts seminars or classes other than at its principal facility or branch campuses, the seminars and classes must be conducted in compliance with the Standards, except the Library Standard.**

LLSSJ is not subject to this standard because it operates a single campus.

**Rule 4.160(J): Library. The law school must maintain a library consistent with the minimum requirements set by the Committee. Guidelines 8.1 – 8.8**

The LLSSJ law library is compliant. The print collection is housed in a main room of approximately 800 square feet and a smaller "Student Resource Room" of about 400 square feet. Together these rooms accommodate about 24 students. The library is open for sixty hours each week at convenient times and extended hours are held to accommodate bar examination study.

The Dean oversees the library, determining appropriate content, arrangement, and maintenance and assisting students as needed. A library specialist files and maintains the materials.

The law school's collection meets Guideline 8.4 content requirements. The library includes up-to-date volumes of all resources required in hard copy and a few materials for which electronic access is an acceptable alternative. Students, faculty, and staff have 24/7 electronic access to all



other Committee-mandated resources through the law school's subscription to the Lexis/Nexis database, in compliance with Guideline 8.7. Wireless internet access is available campus-wide.

Students also have access to the resources of nearby public libraries. The Main Library, a service of the City of San Jose and San Jose State University, is located within two blocks. Open seventy-seven hours each week including weekends, the library has many conference rooms that LLSSJ students can reserve. The Santa Clara County Law Library, 1.2 miles from campus, is open fifty-three hours each week to all County residents; its website offers additional online resources.

Although modest in size, the LLSSJ library is adequate for the faculty and students of the law school's evening program.

As required by Guideline 8.5, the curriculum provides instruction in both print and electronic legal research, in a zero-unit introductory course, Basics of Legal Writing, and a three-unit, first year course, Legal Research and Writing.

As required by Guideline 8.8, the law school maintains records of library expenditures and information about access to the collection.

**Rule 4.160(K): Physical Resources. The law school must have physical resources adequate for its programs and operations. Guidelines 9.1-9.3**

Physical resources are adequate and compliant, including the law school's administrative offices, law library, classrooms, and classroom technology. In 2015, after the last inspection visit, the law school relocated from a 21,000-square-foot space to a single-story, 7,000-square-foot leased building.

LLSSJ occupies the entire building. During the late afternoon and evening hours, front desk staff work in an enclosed reception space located near the front entrance. The Dean occupies a private office and the Registrar and Director of Student Services share an adjacent administrative suite with space for office tasks and file storage. The law school holds larger meetings of up to about 15 people, in a conference room. Faculty use various spaces to prepare for class or meet with students, including the library, conference room, classrooms, and a small private office. Students, faculty, and staff share a lounge.

The law school has four classrooms; rooms range in size but are adequate for enrollment. Classrooms feature comfortable seating, lecterns, wireless internet access, electrical outlets for laptop use, and adequate lighting, heating, ventilation, and air conditioning.

Classroom technology includes large-screen televisions that connect wirelessly to professors' laptops or tablets and three digital projectors. Two desktop computers, with networked printer, are housed in the library.

The law school currently offers one distance learning class, a one-unit Intellectual Property Survey elective course offered during the Summer session or on demand. Students use the law school's Populi software to access learning modules pre-recorded by faculty. LLSSJ is considering the development of additional courses on the Canvas platform. On occasion, LLSSJ uses technology to permit individual students to participate in class discussions via remote video conference using the Zoom platform.

Campus security includes doors that remain locked while classes are in session, and security cameras that allow front desk staff to monitor the entire facility, including front and rear entrances and exits.

**Rule 4.160(L): Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. Guidelines 10.1 – 10.3**

The self-study reflects sound financial planning and proper management of finance and accounting functions, including fiscal controls. The law school's income, expenses, assets and liabilities are audited annually by a certified public accountant, most recently the firm of Armanino LLP.

Based on Armanino's financial report of November 8, 2017, LLSSJ is confirmed to be fiscally sound and in compliance with Guidelines 10.1-10.3. The report showed net assets of over \$700,000 as of June 30, 2017, of an increase of about \$200,000 over the prior fiscal year. Attachments submitted with the self-study indicate that net revenue has been generated in the past two years; reserves have increased by more than \$500,000 over the past three years.

Between 2014-2015 and 2017-2018, as reported to the Committee, enrollment increased by about 12%. Anecdotal evidence was also provided that the law school is attracting more younger students and students with advanced degrees. Based on the 2018-2019 tuition rate (\$856/unit), total J.D. tuition is \$71,904, with fees of about \$4,000 over four years. The law school has prepared detailed proposed budgets to support budget projections.

The law school is making efforts to reduce its dependence upon tuition revenues. In 2017, LLSSJ formed the LLSSJ Endowment Foundation to provide scholarship support to applicants with financial need. With the formation of an Alumni Association and Alumni Board, the law school sees opportunities for increased financial support and alumni referrals of potential students. The law school has also retained a development consultant to train an internal development team to help fundraise at least \$100,000 in connection with the institution's upcoming 100<sup>th</sup> anniversary celebration.

To further enhance its fiscal position, the law school plans to build enrollment in its recently initiated Master of Legal Studies and Master of Law programs and to seek Committee approval to increase its online legal education offerings, including a hybrid J.D. and online Masters-level programming. These options, as explained in the self-study, would allow LLSSJ to maximize use of its leased premises and increase revenues without substantially increasing expenses.

The law school has maintained the support and size of its faculty and has added administrative support as needed, including several Assistant Dean positions. To spur enrollment, LLSSJ has invested in website upgrades and increased outreach; since the inspection visit, the law school has accomplished a substantial revision of the website. Efforts to secure regional accreditation will, if successful, raise the law school's profile and allow it to seek participation in federal financial aid programs, further strengthening prospects for building enrollment and maintaining financial stability.

Based on documented financial resources, LLSSJ appears to be financially sound and compliant with the requirements of Guideline 10.1 in having "adequate present and anticipated financial resources to support its program of legal education and to ensure that all students admitted into its program have a reasonable opportunity to complete the program and earn their degrees."

**Rule 4.160(M): Records. The law school must maintain adequate records for its programs and operations. Guideline 11.1**

With one exception noted above, LLSSJ has maintained its records in compliance with Guideline 11.1.

Hard copy applicant and student files are held in the administration suite under the physical supervision of the Admissions Director and Registrar, respectively. The law school maintains these files in locked and, as required, fireproof, cabinets and takes proper steps to protect privacy and security. As permitted, LLSSJ destroys files of unadmitted applicants after one year, and moves student files, including application materials, to off-site storage as students graduate or withdraw. The law school also segregates student accommodation requests to protect them from unnecessary disclosure.

Electronic files maintained in Populi, the law school's registration and information management software, are password-protected, accessible only by authorized personnel, and backed up regularly. LLSSJ has a general Record Retention Policy as required by Guideline 11.1.

To confirm compliance with record-keeping requirements, the Team conducted a sample review of records, including applicant files and records of admissions (Guidelines 11.1(A), 11.1(B)); student files and transcripts (Guidelines 11.1(C), 11.1(D)); class records, examinations, and grade tabulations (Guidelines 11.1(E), 11.1(F)); and faculty and administrative files, including Annual Reports and minutes of Board and faculty meetings (Guidelines 11.1(G), 11.1(H)). Files were maintained and compliant with Guidelines 11.1(A) – 11.1 (O).

**Rule 4.160(N): Minimum, Cumulative Bar Pass Rate. The law school must maintain a minimum, cumulative bar examination pass rate as determined and used by the Committee in the evaluation of the qualitative soundness of a law school's program of legal education. Guidelines 12.1 – 12.2**

The law school is compliant with the minimum, cumulative bar pass rate (MPR) requirements of Guideline 12.1. LLSSJ timely filed its Annual MPR Compliance Report in 2018, reporting that for the most recent five-year Reporting Period, 56.1% of its graduates passed the bar examination, well above the 40% minimum requirement, and in line with the value last reported by the school in 2015 at 57%.

The law school has undertaken several initiatives to help students prepare for the bar examination. LLSSJ has contracted with BARBRI to provide hard-copy study materials and online bar review resources during all four years of study. LLSSJ has also partnered with BARBRI to create a customized extended bar review class for fourth-year students and faculty. Alumni also offer bar examination workshops. Increasingly, faculty are using MBE-style multiple-choice questions as part of in-class formative assessments and examinations. More generally, the law school has expanded efforts to support student success, including the appointment of a Director of Tutoring and formation of a faculty Writing Committee charged with identifying curriculum changes to improve writing skills.

**Rule 4.160(O): Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, a law school must operate in accordance with policies and procedures that comply with the Constitutions and all applicable laws of both the United States and the State of California to provide both equality of opportunity and to prohibit unlawful discrimination. Guideline 14.1**

LLSSJ operates compliantly with Guideline 14.1. According to the Diversity Statement attached to the self-study and published in the Catalog, the law school is dedicated to diversifying the legal profession and “committed to an educational and a work environment that embraces diverse students, faculty, staff, and visitors.” Both the Catalog and Handbook include a non-discrimination policy. Based upon a review of policies and practices, LLSSJ has policies designed to prevent unlawful discrimination in admissions and employment decisions.

The law school has a diverse student body. According to 2017-2018 data provided in the self-study, student enrollment is just under 50% female. The ethnic/racial mix is 32% White, 23% Hispanic, 5% African American, 25% Asian, and 3% Pacific Islander/Filipino.

The LLSSJ faculty is 24% female and ethnic diversity is limited, with 74% of all instructors identifying as White, 9% as Hispanic, 15% as Asian, and 2% Pacific Islander/Filipino. Because diverse viewpoints are important in educational and legal environments, it is suggested that the law school continue its efforts to recruit and retain a diverse faculty.

**Rule 4.160(P): Compliance with Committee Requirements.** The law school must demonstrate its compliance with these rules by submitting required reports and otherwise complying with the rules.

The law school complies with the Committee's requests for information by timely filing Annual Compliance Reports, responding promptly to information requests, and submitting proper notice of changes as required. As noted above, LLSSJ timely submitted the self-study required by Rule 4.163 to enhance the Team's ability to judge the law school's overall compliance.

#### **CONCLUSION AND RECOMMENDATION**

The Team recommends that this Periodic Inspection Report be received and filed; that its mandatory and suggested recommendations be adopted by the Committee; that LLSSJ's accreditation be continued; and that the law school's next periodic accreditation inspection be scheduled in the fall of 2023, unless an earlier visitation is deemed necessary by the Committee.



May 21, 2019

The State Bar of California  
c/o Ms. Amy Nunez, Director, Office of Admissions  
180 Howard Street  
San Francisco, CA 94105

Re: 2018 Periodic Inspection Report for Lincoln Law School of San Jose

Dear Ms. Nunez:

I am in receipt of the Report memorializing the findings of the periodic five-year inspection of Lincoln Law School of San Jose (the "School") conducted by the State Bar of California inspection team on October 8-11, 2018, and I have shared the same with the School's Board of Trustees.

Lincoln intends to address each of the "Recommended, Mandatory Actions" more thoroughly in its Annual Report. However, it seemed prudent to let the Office and Admissions, as well as the Committee of Bar Examiners, know immediately of those matters which have already been addressed in the time between the site visit and the issuance of the Report. As set forth below, Lincoln Law School of San Jose accepts and will address the remaining matters pursuant to the School's governing processes in time for the resolution of the same to be reported in the School's Annual Report.

The "Recommended, Mandatory Actions" are addressed in turn, by their paragraph reference number, below as follows:

1. The website has been updated to add the Business and Professions Code section 6061.7 Information Report as part of the Admissions drop down menu, and on also added to the Accreditation page. [The School was in the midst of transitioning to its new website at the time of the Inspection.]
2. To meet the needs of certain students requiring extra units (i.e., to graduate timely), the school had allowed registration in its online IP Survey course outside of the normal confines of a semester, and therefore compensated the professor on a one-off basis for the accommodation of administering the class to these single students at odd times. The School immediately ceased the practice after the applicable Guideline was brought to its attention.
3. Board and Committee meetings have been scheduled to discuss revisions to Catalog and Handbooks in preparation for the 2019-2020 Academic Year. The suggested amendment to the Non-Academic Discipline Policy will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
4. Board and Committee meetings have been scheduled to discuss revisions to Catalog and Handbooks in preparation for the 2019-2020 Academic Year. The suggested amendment to the



Course Repetition Policy will be discussed and voted upon, and the changes will be reported in the School's Annual Report.

5. Board and Committee meetings have been scheduled to discuss revisions to Catalog and Handbooks in preparation for the 2019-2020 Academic Year. The suggested course work authentication (plagiarism) policy will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
6. The School continues to revise its Faculty Handbook and faculty communications to emphasize adherence to the grade return policy. Timely return of grades continues to improve. Board and Committee meetings have been scheduled to discuss revisions to the Faculty Handbook in preparation for the 2019-2020 Academic Year. The suggested amendment to the grade return policy will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
7. The School has always allowed students to review their answers against the answer key for multiple choice, true false, and similar examinations in the presence of an administrator without the need for faculty approval. Such answers are not **released to students**, as are essay exam questions and model answers, without faculty approval, because such questions are difficult to formulate, and the professor may wish to reuse them. Upon review, it appears the language of the written policy was in artfully worded, and may be interpreted not to match the actual practice. The language will therefore be amended, and the amendment will be reported in the School's Annual Report.
8. Again, this appears to be a written policy at odds with actual practice. Board and Committee meetings have been scheduled to discuss revisions to Catalog and Handbooks in preparation for the 2019-2020 Academic Year. The suggested amendment to the to the policy restricting the number of petitions as to grades and courses will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
9. Some faculty development activities have already been implemented (e.g. a presentations on student engagement at the most recent faculty meeting). Board and Committee meetings have been scheduled to discuss additional faculty development activities in preparation for the 2019-2020 Academic Year. The School's further plans for Faculty Development will be addressed in the School's Annual Report.
10. Board and Committee meetings have been scheduled to discuss revisions to the Faculty Handbook in preparation for the 2019-2020 Academic Year. The suggested amendments to the faculty review policies will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
11. Board and Committee meetings have been scheduled to discuss revisions to the Catalog and Handbooks in preparation for the 2019-2020 Academic Year. The suggested amendment to the examination review policy will be discussed and voted upon, and the changes will be reported in the School's Annual Report.



12. Board and Committee meetings have been scheduled to discuss revisions to the Faculty Handbook in preparation for the 2019-2020 Academic Year. The suggested amendment to the evaluation and student feedback policies will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
13. Board and Committee meetings have been scheduled to discuss revisions to the Faculty Handbook in preparation for the 2019-2020 Academic Year. The suggested amendments to the grading and faculty evaluation policies will be discussed and voted upon, and the changes will be reported in the School's Annual Report.
14. The School's paper application asks whether an applicant ever **attended** law school. However, it appears the online version of the application only asks if the applicant ever **applied to** another law school. This appears to be a simple transcription error. The online application has been corrected.

Lincoln Law School of San Jose also accepts the five "Recommended, Suggested Actions" set forth in the Report, and will report on any policy amendments related thereto in the School's Annual Report.

The School requests that the Report be corrected as to a couple of minor factual assertions: (1) on page 11, Laurie Holm is the Director of Admissions and Student Services. She works full time. Kim Zea is our Registrar, who works four days per week; and (2) on page 12, Dean Palazzolo taught Real Property and Civil Procedure when she was an Adjunct Professor in private practice. She currently teaches Torts.

The School appreciates the efforts of the site visit team in making sure that the School sees and corrects the little oversights that can build up inadvertently over time as various documents, processes and personnel change. The School agrees with the Recommendations of the site visit team, and requests that the Committee approve the Recommendation that Lincoln Law School of San Jose's next site visit be scheduled in the fall of 2023.

Sincerely,



Laura Palazzolo

